



Dr. Linda M. Slocombe

# The President's Letter

**Patients First®** *Patients First® is a registered trademark of the Alberta Medical Association.*

April 2, 2012

Dear Member:

*In this letter:*

- *Chief electoral officer's view is that AMA's advertising is "political."*
- *AMA disagrees; ads "represent a legitimate expression of free speech."*

The Alberta Medical Association's (AMA's) efforts to engage Albertans on the future of the province's health care system during the election campaign with newspaper advertising have run afoul of the province's chief electoral officer.

Last Thursday the AMA published, in seven daily newspapers, the ad "Health care needs your voice." Just hours later, the chief electoral officer called on the AMA to "cease and desist." In his view, the ad contravenes the limits and restrictions on third-party advertising during a provincial election.

As a non-partisan organization that puts Patients First® and wants a health care system that provides Value for Patients®, we were both surprised by, and disappointed with, this action.

"In the opinion of the AMA, the ads are intended to raise issues for all Albertans to respond to, and represent a legitimate expression of free speech," the AMA's legal counsel stated in a [letter](#) today to the chief electoral officer.

The Board of Directors will hold a teleconference Tuesday evening to discuss future activities. The AMA had planned four different half-page ads. Copies of [all ads are on the AMA website](#).

In his [letter](#), the chief electoral officer wrote: "Accordingly, if this legislation applies to you, please cease and desist your 'political advertising' immediately...." He did not provide specifics on how or where the ad is not in compliance with the legislation. Nor did he identify the complainant.

The Alberta Government brought in the legislation on political advertising in 2010, and this is the first election in which the new prohibitions, rules and regulations apply. The legislation does not place limits on advertising by political parties, but caps political advertising by third parties at \$30,000.

"Political advertising" is defined as "advertising ... with the purpose of promoting or opposing any registered party or the election of a registered candidate, including advertising that takes a position on an issue with which a registered party or registered candidate is associated."

Third parties undertaking political advertising are also required to register with the chief electoral officer. The AMA did not register – and does not intend to register – because our view is that our four ads are **not** political advertising as described in the legislation. As legal counsel wrote: "Accordingly, there is no requirement for the AMA to register as a Third Party Advertiser as suggested in your letter."

Third parties, such as "a trade union, employee organization, corporation or other organization," found guilty of an offence are liable to a fine not exceeding \$100,000. The legislation is unclear if, in the AMA's case, an offence would be publishing the ad in seven different newspapers, or if that would constitute seven different offences.

The *Election Finances and Contributions Disclosure Act* has never been tested in a court of law.

I want to assure AMA members – and all Albertans – that we will continue with the higher level of advocacy that I previously promised will happen "before, during and after" the election.

### **Special Representative Forum and negotiations**

Only two weeks after their regular spring meeting, Representative Forum (RF) delegates again met last Saturday to be updated on the status of negotiations. We continue to work diligently to reach a new agreement with Government, building on the Agreement in Principle I reviewed in the [March 21](#) and [March 22](#) *President's Letters*.

The new agreement would not be a master agreement, but rather a bridge to a new master agreement by giving both the AMA and the Government two years of breathing room in which to negotiate. I will provide a fuller report on the RF within a few days.

As always, I encourage you to email me at [president@albertadoctors.org](mailto:president@albertadoctors.org). Your views are most valuable to the Board of Directors in making its decisions.

Yours truly,

Linda M. Slocombe, MDCM, CCFP  
President

**P.S.** Prior to the election, the AMA published a full-page ad "Just how sick is Alberta's health care system?" You will soon receive in the mail a poster-sized copy of the ad that you may wish to display in your reception area.